

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CR-00110-D
No. 7:19-CV-00103-D

Edwin Leo Brown,

Petitioner

v.

Order

United States of America,

Respondent.

Petitioner Edwin Leo Brown, proceeding pro se, filed a § 2255 motion asking the court to vacate his conviction and sentence. He argues that he received ineffective assistance of counsel because his attorney misadvised him about the maximum penalty he faced. Brown claims that he rejected a plea agreement from the United States because of the bad advice he received. Based upon the evidence received so far, Brown will be entitled to an evidentiary hearing on his claim. D.E. 89. And because there will be an evidentiary hearing, he is entitled to appointed counsel. Rules Governing Section 2255 Cases for the United States District Courts Rule 8.

Brown's conviction is also undergoing review to see if he is entitled to relief under the Supreme Court's decision in *Rehaif v. United States*, 149 S. Ct. 2191 (2020). Under a standing order issued by the court, the Federal Public Defender appointed Cindy H. Popkin-Bradley to represent Brown in the *Rehaif* review. Popkin-Bradley entered a notice of appearance setting out her limited role. D.E. 79.

In the interests of justice and judicial efficiency, the court orders that the Federal Public Defender appoint a single attorney to represent Brown in both aspects of his Section 2255 claim.

The Federal Public Defender may extend Popkin-Bradley's existing appointment to both matters, if appropriate.

Dated: August 19, 2020



Robert T. Numbers, II
United States Magistrate Judge